

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MIRNA E. SERRANO, *et al.*,

Plaintiffs,

and

Case No. 04-40132

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

HONORABLE SEAN F. COX
United States District Judge

Plaintiff-Intervenor,

v.

CINTAS CORPORATION,

Defendant.

Consolidated for Pre-Trial Proceedings With

BLANCA NELLY AVALOS, *et al.*,

Plaintiffs,

and

Case No. 06-12311

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

HONORABLE SEAN F. COX
United States District Judge

Plaintiff-Intervenor

v.

CINTAS CORPORATION,

Defendant.

OPINION & ORDER DENYING THE EEOC'S
MOTION FOR PROTECTIVE ORDER [Doc. No. 706]

On December 23, 2005, the Equal Employment Opportunity Commission (“EEOC”) filed complaints as an intervening plaintiff in both the *Seranno* and *Avalos* cases, bringing causes of action against Defendant Cintas Corporation (“Cintas”) under Sections 705 and 706 of Title VII to the Civil Rights Act, 42 U.S.C. §§ 2000e-4, e-5. The Court held a scheduling conference in this matter on August 10, 2009, after which a scheduling order was entered by the Court [*See* Doc. No. 646].

Since that time, the EEOC has taken the position that this action should be tried pursuant to the proof framework announced in *International Brotherhood of Teamsters v. United States*, 431 U.S. 324 (1977). On January 14, 2010, the EEOC filed the instant “Motion for Protective Order” [Doc. No. 706], arguing that “individual discovery is not appropriate at this stage,” and seeking a protective order from the Court precluding Cintas from taking the depositions of individual plaintiffs until the second stage of proceedings under the *Teamsters* framework.

On February 9, 2010, the Court entered its Opinion & Order Granting Defendant’s Motion for Judgment on the Pleadings [Case No. 04-40132, Doc. No. 723; Case No. 06-12311, Doc. No. 571], in which the Court held that the EEOC was precluded from advancing its claims against Cintas in the instant action under the *Teamsters* “pattern or practice” framework, but instead must proceed under the burden-shifting framework announced in *McDonnell-Douglas Corp. v. Green*, 422 U.S. 792 (1973). Therefore, the EEOC’s instant “Motion for Protective Order” [Doc. No. 706], which was entirely dependant upon this action proceeding under the

Teamsters framework, is **DENIED**.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: February 9, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 9, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager